

**Representative Hall, Atlanta, Georgia****Wednesday, February 15, 2006**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abdul-Salaam	Davis	Holt	Marin	Rogers
Amerson	Day	Houston	Maxwell	Royal
E Anderson	Dickson	Howard, E	May	Scheid
Ashe	Dodson	Hugley	McCall	Scott, M
E Barnes	Drenner	Jacobs	E McClinton	Shaw
Bearden	Ehrhart	James	Meadows	Sims, F
Benton	England	Jamieson	Mills	Smith, B
Black	Fleming	Jenkins	E Mitchell	Smith, P
Borders	Floyd, H	Jennings	Morris	Smith, R
Bridges	Floyd, J	Jones, J	Mosby	Smith, T
Brooks	Fludd	Jones, S	E Mosley	Smyre
Bruce	Forster	Keen	Mumford	E Stanley-Turner
Bryant	Franklin	Keown	Murphy, J	Talton
Buckner, D	Freeman	Kidd	Murphy, Q	Teilhet
Buckner, G	Gardner	Knight	Neal	Thomas, A.M
Burkhalter	Geisinger	Knox	O'Neal	Thomas, B
Burmeister	Graves, D	Lakly	Parrish	Tumlin
Butler	Greene	Lane, B	Parsons	Walker
Chambers	Hanner	Lane, R	Porter	Warren
Cheokas	Hatfield	Lewis	Ralston	Wilkinson
Cole	Heard, J	Lord	Randall	Willard
Coleman, B	Heard, K	Loudermilk	Reece, B	Williams, A
Cooper	Heckstall	Lunsford	Reece, S	Williams, E
Cox	Hembree	Maddox	Reese	Williams, R
Crawford	E Henson	Mangham	Rice	Yates
Cummings	E Hill, C	Manning	Roberts	Richardson,
				Speaker

The following members were off the floor of the House when the roll was called:

Representatives Barnard of the 166th, Bordeaux of the 162nd, Burns of the 157th, Byrd of the 20th, Carter of the 159th, Casas of the 103rd, Channell of the 116th, Coleman of the 144th, Dean of the 59th, Dollar of the 45th, Dukes of the 150th, Epps of the 128th, Everson of the 106th, Golick of the 34th, Graves of the 12th, Harbin of the 118th, Hill of the 180th, Horne of the 71st, Hudson of the 124th, Jackson of the 161st, Jordan of the 77th, Lindsey of the 54th, Martin of the 47th, Millar of the 79th, Morgan of the 39th, Oliver of the 83rd, Orrock of the 58th, Parham of the 141st, Ray of the 136th, Rynders of the 152nd, Sailor of the 93rd, Scott of the 153rd, Sims of the 169th, Sinkfield of the 60th, Smith of the 70th, Smith of the 129th, Stephens of the 164th, Stephenson of the 92nd, and Wix of the 33rd.

They wish to be recorded as present.

The following communication was received:

House of Representatives

Coverdell Legislative Office Building, Room 501  
Atlanta, Georgia, 30334

February 14, 2006

Honorable Robbie Rivers, Clerk  
Georgia House of Representatives  
Room 309, State Capitol  
Atlanta, Georgia 30334

Dear Mr. Rivers:

As you know I was excused from the session yesterday due to some minor surgery, I wish to register a "YES" vote on HB 238 for that day.

I appreciate your assistance in this matter.

Sincerely,

/s/ Hinson  
Hinson Mosley  
State Representative  
District 178

Prayer was offered by Dr. Marlin Hotle, Clinton, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1342. By Representatives Geisinger of the 48th, Oliver of the 83rd, Lindsey of the 54th, Barnard of the 166th and Epps of the 128th:

A BILL to be entitled an Act to amend Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to gambling and related offenses, so as to provide that certain nonprofit organizations may give away certain noncash prizes to advance the purposes of such nonprofit organization; to provide conditions for the giving of such prizes; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1343. By Representatives Hill of the 21st, Scheid of the 22nd, Byrd of the 20th and Murphy of the 23rd:

A BILL to be entitled an Act to authorize Cherokee County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

- HB 1344. By Representatives Tumlin of the 38th, Setzler of the 35th, Johnson of the 37th, Manning of the 32nd, Golick of the 34th and others:

A BILL to be entitled an Act to provide for legislative declarations with respect to all local homestead exemptions for all taxing jurisdictions consisting of or located in Cobb County; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

- HB 1345. By Representatives Manning of the 32nd, Tumlin of the 38th, Ehrhart of the 36th and Setzler of the 35th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, so as to change the provision relating to the term or duration of franchise agreements; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

- HB 1346. By Representatives Manning of the 32nd, Ehrhart of the 36th, Tumlin of the 38th, Johnson of the 37th and Setzler of the 35th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, so as to change the charter provision relating to what shall constitute a quorum; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

- HB 1347. By Representatives Manning of the 32nd, Tumlin of the 38th, Ehrhart of the 36th, Johnson of the 37th and Setzler of the 35th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, so as to change the provisions relating to the corporate limits of the city; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

- HB 1349. By Representative Cox of the 102nd:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to general provisions relative to landlord and tenant, so as to define certain terms; to provide for notice of eviction or termination of lease in leases involving installation spaces for manufactured homes or mobile homes; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1350. By Representative Smith of the 113th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Oconee County, approved April 18, 1917 (Ga. L. 1917, p. 384), as amended, particularly by an Act approved April 17, 1975 (Ga. L. 1975, p. 3105), so as to provide for terms for the members of the board of commissioners of Oconee County; to provide for elections; to provide for a referendum; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1351. By Representatives Dickson of the 6th and Meadows of the 5th:

A BILL to be entitled an Act to provide a homestead exemption from Murray County school district ad valorem taxes for educational purposes in the amount of \$80,000.00 of the assessed value of the homestead for residents of that school district who are at least 70 years of age; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1352. By Representative McCall of the 30th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use taxes, so as to provide an exemption for certain items used in mining or quarrying operations; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- HB 1353. By Representatives Forster of the 3rd, Smith of the 131st, Crawford of the 127th, Reese of the 98th, O'Neal of the 146th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste management, so as to enact the "Uniform Environmental Covenants Act"; to provide a short title; to define certain terms; to provide for nature of rights and subordination of interests; to provide for contents of environmental covenants; to provide for validity and effect on other instruments; to provide for relationship to other land use law; to provide for notice; to provide for duration and amendment by court action; to provide for amendment or termination by consent; to provide for enforcement; to provide for registry and substitute notice; to provide for uniformity of application and construction; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- HB 1354. By Representatives Forster of the 3rd, Dickson of the 6th and Neal of the 1st:

A BILL to be entitled an Act to amend an Act creating the office of tax commissioner of Catoosa County, approved February 10, 1937 (Ga. L. 1937, p. 1267), as amended, particularly by an Act approved April 16, 1999 (Ga. L. 1999, p. 4236), so as to increase the clerical allowance for the tax commissioner; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

- HB 1355. By Representatives Smyre of the 132nd, Hugley of the 133rd, Smith of the 131st, Smith of the 129th and Buckner of the 130th:

A BILL to be entitled an Act to amend Code Section 15-6-61 of the Official Code of Georgia Annotated, relating to duties of clerks generally, use of computerized record-keeping system, and printed copies of the grantor and grantee indices, so as to delete the requirement for certain printed records; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- HB 1356. By Representatives Lakly of the 72nd, Crawford of the 127th, Johnson of the 37th and Ralston of the 7th:

A BILL to be entitled an Act to amend Chapter 7 of Title 33 of the Official Code of Georgia Annotated, relating to kinds of insurance, limits of risk, and reinsurance, so as to change certain provisions regarding title insurance; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1357. By Representatives Stephens of the 164th, Maxwell of the 17th, Parrish of the 156th, Meadows of the 5th, Carter of the 159th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to prescription drugs, so as to eliminate redundant language relating to the practice of medicine; to provide for the dispensing of therapeutically equivalent drugs by a pharmacist to a patient for purposes of formulary compliance if approved by the ordering practitioner; to provide for notice to the ordering practitioner of the substitution; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 1358. By Representatives Coleman of the 97th, Golick of the 34th, Smith of the 129th, Jones of the 46th, Benton of the 31st and others:

A BILL to be entitled an Act to amend Code Section 20-2-182 of the Official Code of Georgia Annotated, relating to program weights, maximum class size, and reporting requirements under the "Quality Basic Education Act," so as to change certain provisions relating to maximum class size requirements; to provide for legislative intent; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 1359. By Representatives Forster of the 3rd, Meadows of the 5th, Knox of the 24th and Harbin of the 118th:

A BILL to be entitled an Act to amend Title 33 of the O.C.G.A., relating to insurance, so as to create the Georgia Assignment Pool Underwriting Authority; to provide alternative mechanism coverage for the availability of individual health insurance; to provide definitions; to provide for an assignment pool underwriting board; to provide for powers, duties, and authority of the board; to provide for the selection of an administrator or administrators; to provide for the duties of the Commissioner of Insurance

with respect to the board and assignment pool; to provide for the establishment of rates; to provide for eligibility for and termination of coverage; to provide for minimum assignment pool benefits; to provide for certain exclusions for preexisting conditions; to provide for funding; to provide for applicability; to provide for related matters; to repeal the Georgia High Risk Health Insurance Plan; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 1360. By Representative Jenkins of the 8th:

A BILL to be entitled an Act to amend Code Section 52-7-13 of the Official Code of Georgia Annotated, relating to boating safety zones, restrictions on use of motors and operation of houseboats on certain lakes, and exceptions, so as to prohibit operation of certain vessels on Lake Burton, Seed Lake, Lake Rabun, Lake Tugalo, and Tallulah Falls Lake; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Game, Fish, & Parks.

HB 1361. By Representatives Martin of the 47th, Royal of the 171st, Graves of the 137th and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Chapter 44 of Title 36 of the Official Code of Georgia Annotated, the "Redevelopment Powers Law," so as to change certain definitions; to change certain provisions regarding minimum millage rate requirements; to change certain provisions relative to creation of tax allocation districts; to change certain provisions regarding payments in lieu of taxes to certain political subdivisions; to amend Code Section 48-5-32.1, relating to certification of assessed taxable value of property and method of computation, so as to make certain conforming changes thereto; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HR 1364. By Representatives Sims of the 169th, Cummings of the 16th, Scheid of the 22nd, O'Neal of the 146th, Williams of the 4th and others:

A RESOLUTION urging the United States Secretary of the Army to award the Presidential Unit Citation to the Georgia National Guard 48th Infantry Brigade; and for other purposes.



Referred to the Committee on Defense & Veterans Affairs.

HR 1365. By Representatives Smith of the 113th, Lewis of the 15th, Murphy of the 23rd, Forster of the 3rd, Wix of the 33rd and others:

A RESOLUTION urging electric utilities to consider building new nuclear power plants in Georgia and the Public Service Commission to take appropriate steps to encourage this policy; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

HR 1392. By Representatives Gardner of the 57th, Watson of the 91st, Henson of the 87th, Jacobs of the 80th, Orrock of the 58th and others:

A RESOLUTION urging the State of Georgia to offer programs and education for substance abuse defendants; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HR 1393. By Representatives Murphy of the 120th, Smith of the 129th, Howard, E. of the 121st, Williams of the 165th, Brooks of the 63rd and others:

A RESOLUTION honoring the life of Henry L. Howard and dedicating the Henry L. Howard Memorial Interchange in his memory; and for other purposes.

Referred to the Committee on Transportation.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 1322	HB 1339
HB 1323	HB 1340
HB 1324	HB 1341
HB 1325	HB 1348
HB 1326	HR 1339
HB 1327	HR 1340
HB 1328	HR 1341
HB 1329	HR 1343
HB 1330	HR 1345
HB 1331	HR 1346
HB 1332	SB 381
HB 1333	SB 400

HB 1334  
HB 1335  
HB 1336  
HB 1337  
HB 1338

SB 441  
SB 442  
SB 447  
SB 453

Representative Coleman of the 97th District, Chairman of the Committee on Education, submitted the following report:

Mr. Speaker:

Your Committee on Education has had under consideration the following Bills of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HB 920     Do Pass  
HB 1055    Do Pass

HB 1241    Do Pass, by Substitute  
SB 390     Do Pass, by Substitute

Respectfully submitted,  
/s/ Coleman of the 97th  
Chairman

Representative Willard of the 49th District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 376     Do Pass, by Substitute  
HB 1195    Do Pass, by Substitute

Respectfully submitted,  
/s/ Willard of the 49th  
Chairman

Representative Rice of the 51st District, Chairman of the Committee on Motor Vehicles, submitted the following report:

Mr. Speaker:

Your Committee on Motor Vehicles has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 276	Do Pass, by Substitute	HB 513	Do Pass
HB 363	Do Pass, by Substitute	HB 1236	Do Pass

Respectfully submitted,  
/s/ Rice of the 51st  
Chairman

The following Resolution of the House, referred to the House Rules Subcommittee on Invites, was reported by the Committee on Rules with the following recommendation:

HR 1289    Do Pass

Representative O'Neal of the 146th District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1012    Do Pass, by Substitute

Respectfully submitted,  
/s/ O'Neal of the 146th  
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR  
WEDNESDAY, FEBRUARY 15, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 19th Legislative Day as enumerated below:

DEBATE CALENDAR

**Open Rule**

HB 724 Sewage management systems; licensed plumbers; allow certain work  
HB 955 MARTA; public records relating to fare payment system; exempt from  
disclosure; provide  
HR 1226 Georgia Quail Trail; Dept. of Natural Resources; initiate

**Modified Open Rule**

None

**Modified Structured Rule**

None

**Structured Rule**

HB 560 Ad valorem tax; county tax assessors; property valuation appeal; change  
certain provision  
HB 1032 Licenses to carry pistol or revolver; temporary renewal permit; provide for  
restrictions  
HB 1157 Income tax credit; employers providing retraining programs; change  
provisions  
HB 1182 Sales and use tax exemption; certain hall of fame attractions; provisions  
HB 1211 Southern Appalachian brook trout; official state cold water game fish;  
designate

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,  
/s/ Ehrhart of the 36th  
Chairman

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate and House:

- SB 373. By Senators Douglas of the 17th, Grant of the 25th, Schaefer of the 50th, Staton of the 18th, Williams of the 19th and others:

A BILL to be entitled an Act to amend Code Section 40-5-36 of the Official Code of Georgia Annotated, relating to veterans' licenses, honorary licenses, and other distinctive licenses, so as to provide for an honorary license for the unremarried surviving spouse or child of certain deceased military persons; to provide for conditions; to repeal conflicting laws; and for other purposes.

- SB 384. By Senators Hudgens of the 47th and Rogers of the 21st:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to enact the Interstate Insurance Product Regulation Compact; to help states join together to establish an interstate compact to regulate designated insurance products; to provide for implementation of such compact; to provide for the Interstate Insurance Product Regulation Commission; to provide for organization of the commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 385. By Senator Hudgens of the 47th:

A BILL to be entitled an Act to amend Code Section 33-11-13 of the Official Code of Georgia Annotated, relating to authorized investments of insurers generally, so as to provide that insurers may invest in the obligations of certain Canadian cities; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 469. By Senators Smith of the 52nd, Meyer von Bremen of the 12th, Harp of the 29th and Reed of the 35th:

A BILL to be entitled an Act to amend Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships, and associations, so as to provide for the updating of provisions relating to corporations, partnerships, and associations; to provide confirmation when an order for relief with respect to a corporation has been entered pursuant to the federal Bankruptcy Code of the power and authority of such corporation to take action pursuant to the decree of order or the court or judge in such bankruptcy proceedings; to provide that a board of directors can commit a corporation to submit a matter for shareholder approval even if the board of directors subsequently determines to recommend against it later; to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1080. By Representatives Golick of the 34th, Roberts of the 154th, Geisinger of the 48th, Freeman of the 140th, Chambers of the 81st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for an income tax credit with respect to qualified child and dependent care expenses; to provide for conditions and limitations; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

HB 1159. By Representatives Amerson of the 9th and Reece of the 27th:

A BILL to be entitled an Act to amend an Act creating the Board of Elections and Registration of Lumpkin County, approved June 3, 2003 (Ga. L. 2003, p. 4354), so as to change certain provisions relating to duties of the board; to change certain provisions relating to appointment and terms of office of members; to change certain provisions relating to qualifications of members; to change certain provisions relating to vacancies; to provide for removal of members; to change certain provisions regarding appointment and duties of the election supervisor and chief registrar; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bills of the Senate were read the first time and referred to the Committees:

SB 373. By Senators Douglas of the 17th, Grant of the 25th, Schaefer of the 50th, Staton of the 18th, Williams of the 19th and others:

A BILL to be entitled an Act to amend Code Section 40-5-36 of the Official Code of Georgia Annotated, relating to veterans' licenses, honorary licenses, and other distinctive licenses, so as to provide for an honorary license for the unremarried surviving spouse or child of certain deceased military persons; to provide for conditions; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

SB 384. By Senators Hudgens of the 47th and Rogers of the 21st:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to enact the Interstate Insurance Product Regulation Compact; to help states join together to

establish an interstate compact to regulate designated insurance products; to provide for implementation of such compact; to provide for the Interstate Insurance Product Regulation Commission; to provide for organization of the commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

SB 385. By Senator Hudgens of the 47th:

A BILL to be entitled an Act to amend Code Section 33-11-13 of the Official Code of Georgia Annotated, relating to authorized investments of insurers generally, so as to provide that insurers may invest in the obligations of certain Canadian cities; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

SB 469. By Senators Smith of the 52nd, Meyer von Bremen of the 12th, Harp of the 29th and Reed of the 35th:

A BILL to be entitled an Act to amend Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships, and associations, so as to provide for the updating of provisions relating to corporations, partnerships, and associations; to provide confirmation when an order for relief with respect to a corporation has been entered pursuant to the federal Bankruptcy Code of the power and authority of such corporation to take action pursuant to the decree of order or the court or judge in such bankruptcy proceedings; to provide that a board of directors can commit a corporation to submit a matter for shareholder approval even if the board of directors subsequently determines to recommend against it later; to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

The following members were recognized during the period of Morning Orders and addressed the House:

Mills of the 25th, Buckner of the 76th, Gardner of the 57th, and Smith of the 70th.

The following Resolution of the House was read and referred to the Committee on Rules:

HR 1394. By Representative Hembree of the 67th:

A RESOLUTION commending Shelley Backstrom, Laura Bailey, Megan Livingston, and Lauren Sproul, winners of the 2006 "What Would You Say?" contest, and inviting them to appear before the House of Representatives; and for other purposes.

The following Resolution of the House, favorably reported by the Committee on Rules, was read and adopted:

HR 1289. By Representatives Kidd of the 115th, Heard of the 114th and Smith of the 113th:

A RESOLUTION recognizing and commending Pedro Villegas-Narváez, D.V.M., for his monumental contributions and accomplishments, and inviting him to appear before the House of Representatives; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills and Resolution of the House were taken up for consideration and read the third time:

HB 1182. By Representatives Burkhalter of the 50th, Richardson of the 19th, Keen of the 179th, Fleming of the 117th, Smith of the 129th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for an exemption for a limited period of time with respect to certain eligible hall of fame attractions; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of the state revenue commissioner; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	E Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw



Y Bearden	Y Dodson	Y Hudson	Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	E Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	E Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 151, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Stanley-Turner of the 53rd was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 1157. By Representatives Burkhalter of the 50th, Richardson of the 19th, Keen of the 179th and Fleming of the 117th:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to change certain provisions regarding income tax credits for employers providing approved retraining programs; to provide for definitions; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of the state revenue commissioner; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to change certain provisions regarding income tax credits for employers providing approved retraining programs; to provide for definitions; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of the state revenue commissioner; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, is amended by striking Code Section 48-7-40.5, relating to tax credits for employers providing approved retraining programs, and inserting in its place a new Code Section 48-7-40.5 to read as follows:

"48-7-40.5.

(a) As used in this Code section, the term:

(1) 'Approved retraining' means employer provided or employer sponsored retraining that meets the following conditions:

(A) It enhances the functional skills of employees otherwise unable to function effectively on the job due to skill deficiencies or who would otherwise be displaced because such skill deficiencies would inhibit their utilization of new technology;

(B) It is approved and certified by the Department of Technical and Adult Education; and

(C) The employer does not require the employee to make any payment for the retraining, either directly or indirectly through use of forfeiture of leave time, vacation time, or other compensable time.

(2) 'Cost of retraining' means direct instructional costs as defined by the Department of Technical and Adult Education including instructor salaries, materials, supplies, and textbooks but specifically excluding costs associated with renting or otherwise securing space.

(3) 'Employee' means any employee resident in this state who is employed for at least 25 hours a week, who has been continuously employed by the employer for at least 16 consecutive weeks.

(4) 'Employer' means any employer upon whom an income tax is imposed by this chapter.

(5) 'Employer provided' refers to approved retraining offered on the premises of the employer or on premises approved by the Department of Technical and Adult Education by instructors hired by or employed by an employer.

(6) 'Employer sponsored' refers to a contractual arrangement with a school, university, college, or other instructional facility which offers approved retraining that is paid for by the employer.

(7) 'Qualifying airline' means any employer which is authorized by the Federal Aviation Administration or appropriate agency of the United States to operate as an air carrier under an air carrier operating certificate and which provides regularly scheduled flights for the transportation of passengers or cargo for hire.

(b) A tax credit shall be granted to an employer who provides or sponsors an approved retraining program. The amount of the tax credit shall be equal to one-half of the costs of retraining per full-time employee, or \$500.00 per full-time employee, whichever is less, for each employee who has successfully completed an approved retraining program. No employer may receive a credit if the employer requires that the employee reimburse or pay the employer for the cost of retraining.

(c) Any tax credit claimed under this Code section for any taxable year beginning on or after January 1, 1998, but not used for any such taxable year may be carried forward for ten years from the close of the taxable year in which the tax credit was granted. The tax credit granted to any employer pursuant to this Code section shall not exceed 50 percent of the amount of the taxpayer's income tax liability for the taxable year as computed without regard to this Code section.

(d) To be eligible to claim the credit granted under this Code section, the employer must certify to the department the name of the employee, the course work successfully completed by such employee, the name of the provider of the approved retraining, and such other information as may be required by the department to ensure that credits are only granted to employers who provide or sponsor approved retraining pursuant to this Code section and that such credits are only granted to employers with respect to employees who successfully complete such approved retraining. The department shall adopt rules and regulations and forms to implement this credit program. The department is expressly authorized and directed to work with the Department of Technical and Adult Education to ensure the proper granting of credits pursuant to this Code section.

(e) The Department of Technical and Adult Education is expressly authorized and directed to establish such standards as it deems necessary and convenient in approving employer provided and employer sponsored retraining programs. In establishing such standards, the Department of Technical and Adult Education shall establish required hours of classroom instruction, required courses, certification of teachers or instructors, progressive levels of instruction, and standardized measures of employee evaluation to determine successful completion of a course of study.

(f) In the case of a qualifying airline:

(1) Any tax credits with respect to retraining approved by the Department of Technical and Adult Education on or before December 31, 2005, which have been claimed for a taxable year ending on or before December 31, 2005, and which are available to be carried forward to a taxable year ending on or after December 31, 2005, may be taken as a credit against a qualifying airline's quarterly or monthly

payment required to be made under Code Section 48-7-103 on or after January 1, 2006. The taxpayer may file an election with the commissioner to take such credit against quarterly or monthly payments under Code Section 48-7-103 that become due before the due date of the income tax return on which such credit may be claimed. In the event of such an election, the commissioner shall confirm with the taxpayer a date, which shall not be later than 30 days after receipt of the taxpayer's election, when the taxpayer may begin to take the credit against such quarterly or monthly payments. Nothing in this subsection shall be construed to allow a credit to be utilized beyond the ten-year period during which a credit may be carried forward under subsection (c) of this Code section; and

(2) Each employee whose employer receives credit against such qualifying airline's quarterly or monthly payment under Code Section 48-7-103 shall receive credit against his or her income tax liability under Code Section 48-7-20 for the corresponding taxable year for the full amount which would be credited against such liability prior to the application of the credit provided for in this subsection. Credits against quarterly or monthly payments under Code Section 48-7-103 and credits against liability under Code Section 48-7-20 established by this subsection shall not constitute income to the taxpayer.

(g) The commissioner shall promulgate such rules and regulations as are necessary to implement and administer this Code section."

## **SECTION 2.**

This Act shall become effective on July 1, 2006.

## **SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	E Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P

Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	E Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 167, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Stanley-Turner of the 53rd was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 560. By Representatives Martin of the 47th, Jones of the 46th and Geisinger of the 48th:

A BILL to be entitled an Act to amend Code Section 48-5-299 of the Official Code of Georgia Annotated, relating to ascertainment of taxable property, so as to change certain provisions regarding the circumstances under which county boards of tax assessors can change the valuation of real property established on appeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid

E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	E Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	E Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 163, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Stanley-Turner of the 53rd was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 724. By Representative McCall of the 30th:

A BILL to be entitled an Act to amend Code Section 31-2-7 of the Official Code of Georgia Annotated, relating to standards for sewage management systems, so as to provide that such Code section does not restrict certain work of a plumber licensed by the Construction Industry Licensing Board; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	E Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
Y Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	E Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 163, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Stanley-Turner of the 53rd was excused on the preceding roll call. she wished to be recorded as voting "aye" thereon.

Representative Abdul-Salaam of the 74th stated that she had been called from the

floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HR 1226. By Representatives Lane of the 158th, Stephens of the 164th, Burns of the 157th, Ehrhart of the 36th, Parrish of the 156th and others:

A RESOLUTION authorizing and directing the Department of Natural Resources to initiate a "Georgia Quail Trail" and creating the Georgia Quail Trail Advisory Council; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	E Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	E Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker



On the adoption of the Resolution, the ayes were 169, nays 0.

The Resolution, having received the requisite constitutional majority, was adopted.

Representative Stanley-Turner of the 53rd was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 1032. By Representatives Lunsford of the 110th, Ralston of the 7th, Forster of the 3rd, England of the 108th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend Code Section 16-11-129 of the Official Code of Georgia Annotated, relating to license to carry a pistol or revolver and temporary renewal permit, so as to provide for certain restrictions on the issuance of such permit; to provide for a background check for permit renewals; to provide for a check of United States Immigration and Customs Enforcement records for noncitizen applicants; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

#### A BILL

To amend Code Section 16-11-129 of the Official Code of Georgia Annotated, relating to license to carry a pistol or revolver and temporary renewal permit, so as to provide that any person who is prohibited from possessing firearms pursuant to federal law may not be issued such a permit; to provide for a background check using the Federal Bureau of Investigation's National Instant Criminal Background Check System for permit issuances and renewals; to provide for a check of United States Immigration and Customs Enforcement records for noncitizen applicants; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

#### SECTION 1.

Code Section 16-11-129 of the Official Code of Georgia Annotated, relating to license to carry a pistol or revolver and temporary renewal permit, is amended by striking in their entirety subsections (a) through (d) and inserting in lieu thereof the following:

"(a) *Application for license or renewal license; term.* The judge of the probate court of each county may, on application under oath and on payment of a fee of \$15.00, issue a license or renewal license valid for a period of five years to any person whose domicile is in that county or who is on active duty with the United States armed forces and who is not a domiciliary of this state but who either resides in that county or on a military reservation located in whole or in part in that county at the time of such application,

which license or renewal license shall authorize that person to carry any pistol or revolver in any county of this state notwithstanding any change in that person's county of residence or state of domicile. Applicants shall submit the application for a license or renewal license to the judge of the probate court on forms prescribed and furnished free of charge to persons wishing to apply for the license or renewal license. An applicant who is not a United States citizen shall provide sufficient personal identifying data, including without limitation his or her place of birth and United States issued alien or admission number, as the Georgia Bureau of Investigation may prescribe by rule or regulation. An applicant who is in nonimmigrant status shall provide proof of his or her qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from the applicant pertinent to his or her eligibility under this Code section, including citizenship, but shall not require data which is nonpertinent or irrelevant such as serial numbers or other identification capable of being used as a de facto registration of firearms owned by the applicant. The Department of Public Safety shall furnish application forms and license forms required by this Code section. The forms shall be furnished to each judge of each probate court within the state at no cost.

(b) *Licensing exceptions.* No license or renewal license shall be granted to:

(1) Any person who is prohibited from possessing firearms pursuant to 18 U.S.C. Section 922;

(1.1) Any person under 21 years of age;

(2) Any person who is a fugitive from justice or against whom proceedings are pending for any felony, forcible misdemeanor, or violation of Code Section 16-11-126, 16-11-127, or 16-11-128 until such time as the proceedings are adjudicated;

(3) Any person who has been convicted of a felony by a court of this state or any other state; by a court of the United States including its territories, possessions, and dominions; or by a court of any foreign nation and has not been pardoned for such felony by the President of the United States, the State Board of Pardons and Paroles, or the person or agency empowered to grant pardons under the constitution or laws of such state or nation or any person who has been convicted of a forcible misdemeanor and has not been free of all restraint or supervision in connection therewith for at least five years or any person who has been convicted of a violation of Code Section 16-11-126, 16-11-127, or 16-11-128 and has not been free of all restraint or supervision in connection therewith for at least three years, immediately preceding the date of the application;

(4) Any individual who has been hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center within five years of the date of his or her application. The probate judge may require any applicant to sign a waiver authorizing any mental hospital or treatment center to inform the judge whether or not the applicant has been an inpatient in any such facility in the last five years and authorizing the superintendent of such facility to make to the judge a recommendation regarding whether a license to carry a pistol or revolver should be issued. When such a waiver is required by the probate judge, the applicant shall pay to the probate judge

a fee of \$3.00 for reimbursement of the cost of making such a report by the mental health hospital, alcohol or drug treatment center, or the Department of Human Resources, which the probate judge shall remit to the hospital, center, or department. The judge shall keep any such hospitalization or treatment information confidential. It shall be at the discretion of the probate judge, considering the circumstances surrounding the hospitalization and the recommendation of the superintendent of the hospital or treatment center where the individual was a patient, to issue the license or renewal license; or

(5)(A) Any person, the provisions of paragraph (3) of this subsection notwithstanding, who has been convicted of an offense arising out of the unlawful manufacture, distribution, possession, or use of a controlled substance or other dangerous drug.

(B) As used in this paragraph, the term:

(i) 'Controlled substance' means any drug, substance, or immediate precursor included in the definition of controlled substances in paragraph (4) of Code Section 16-13-21.

(ii) 'Convicted' means a plea of guilty, a finding of guilt by a court of competent jurisdiction, the acceptance of a plea of nolo contendere, or the affording of first offender treatment by a court of competent jurisdiction irrespective of the pendency or availability of an appeal or an application for collateral relief.

(iii) 'Dangerous drug' means any drug defined as such in Code Section 16-13-71.

(c) *Fingerprinting.*

(1) Following completion of the application for a license or the renewal of a license, the judge of the probate court shall require the applicant to proceed to an appropriate law enforcement agency in the county with the completed application. The appropriate local law enforcement agency in each county shall then ~~make two sets of classifiable~~ capture the fingerprints of the applicant for a license or renewal license to carry a pistol or revolver, place the fingerprint required by subsection (f) of this Code section on a blank license form which has been furnished to the law enforcement agency by the judge of the probate court, and place the name of the applicant on the blank license form. The law enforcement agency shall be entitled to a fee of \$5.00 from the applicant for its services in connection with the application.

~~(2) In the case of each applicant who is applying for a license under this Code section for the first time, the judge of the probate court shall direct the law enforcement agency to transmit one set of the applicant's fingerprints to the Georgia Crime Information Center for a search of the Federal Bureau of Investigation records and an appropriate report. In such cases, the applicant shall submit an additional fee in an amount established by the Georgia Bureau of Investigation but not to exceed \$30.00 for a search of records of the Federal Bureau of Investigation and an appropriate report, payable in such form as the judge may direct, to cover the cost of the records search.~~

~~(3) Applications for renewal of licenses issued under this Code section shall be made to the judge of the probate court of the county in which the applicant is domiciled or,~~

~~if the applicant is a member of the United States armed forces, the county in which he or she resides or in which the military reservation on which the applicant resides is located in whole or in part at the time of making the renewal application. In the case of an applicant for a renewal of a license, the judge of the probate court may, in his or her discretion, direct that the local county law enforcement agency request a search of the criminal history file and wanted persons file of the Georgia Crime Information Center by computer access from that county in lieu of transmitting the application and forms.~~

~~(d) *Investigation of applicant; issuance of license; renewal.* Each law enforcement agency, upon receiving such applications and obtaining such fingerprints, shall promptly conduct a thorough search of its records and records to which it has access and~~

(1) For both license applications and requests for license renewals, the judge of the probate court shall direct the law enforcement agency to request a fingerprint based criminal history records check from the Georgia Crime Information Center and Federal Bureau of Investigation for purposes of determining the suitability of the applicant and return an appropriate report to the judge of the probate court. Fingerprints shall be in such form and of such quality as prescribed by the Georgia Crime Information Center and under standards adopted by the Federal Bureau of Investigation. The Georgia Bureau of Investigation may charge such fee as is necessary to cover the cost of the records search.

(2) For both license applications and requests for license renewals, the judge of the probate court shall also direct the law enforcement agency to conduct a background check using the Federal Bureau of Investigation's National Instant Criminal Background Check System and return an appropriate report to the probate judge.

(3) When a person who is not a United States citizen applies for a license or renewal of a license under this Code section, the judge of the probate court shall direct the law enforcement agency to conduct a search of the records maintained by the United States Bureau of Immigration and Customs Enforcement. As a condition to the issuance of a license or the renewal of a license, an applicant who is in nonimmigrant status shall provide proof of his or her qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y).

(4) The law enforcement agency shall notify the judge of the probate court within 50 days, by telephone and in writing, of any findings relating to the applicant which may bear on his or her eligibility for a license or renewal license under the terms of this Code section. When no derogatory information is found on the applicant bearing on his or her eligibility to obtain a license or renewal license, a report shall not be required. The law enforcement agency shall return the application and the blank license form with the fingerprint thereon directly to the judge of the probate court within such time period. Not later than 60 days after the date of the application the judge of the probate court shall issue the applicant a license or renewal license to carry any pistol or revolver if no facts establishing ineligibility have been reported and if the judge determines the applicant has met all the qualifications, is of good

moral character, and has complied with all the requirements contained in this Code section."

## SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	N Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	E Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	E Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Stanley-Turner of the 53rd was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 1211. By Representatives Reese of the 98th, Lane of the 158th, Ralston of the 7th, Holt of the 112th, Crawford of the 127th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, so as to designate the Southern Appalachian brook trout as the official state cold water game fish; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	E Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	N Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin

Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	E Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 161, nays 1.

The Bill, having received the requisite constitutional majority, was passed.

Representative Stanley-Turner of the 53rd was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 955. By Representatives Geisinger of the 48th, Chambers of the 81st, Millar of the 79th and Lindsey of the 54th:

A BILL to be entitled an Act to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to public records exempt from disclosure, so as to add an exemption for records of the Metropolitan Atlanta Rapid Transit Authority relating to the development and implementation of the TransCard or SmartCard fare payment system; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

#### A BILL

To amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to public records exempt from disclosure, so as to add an exemption for records of the Metropolitan Atlanta Rapid Transit Authority relating to the personal information of persons who have purchased cards under the TransCard or SmartCard fare payment system; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

#### SECTION 1.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to public records exempt from disclosure, is amended by striking paragraphs (18) and (19) of subsection (a) and inserting in place thereof the following:

"(18) Records of the State Road and Tollway Authority which would reveal the financial accounts or travel history of any individual who is a motorist upon such toll project. Such financial records shall include, but not be limited to, social security number, home address, home telephone number, e-mail address, credit or debit card information, and bank account information but shall not include the user's name; ~~or~~

(19) Records maintained by public postsecondary educational institutions in this state and associated foundations of such institutions that contain personal information concerning donors or potential donors to such institutions or foundations; provided, however, that the name of any donor and the amount of donation made by such donor shall be subject to disclosure if such donor or any entity in which such donor has a substantial interest transacts business with the public postsecondary educational institution to which the donation is made within three years of the date of such donation. As used in this paragraph, the term 'transact business' means to sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative in an amount in excess of \$10,000.00 in the aggregate in a calendar year and the term 'substantial interest' means the direct or indirect ownership of more than 25 percent of the assets or stock of an entity; ~~or~~

(20) Records of the Metropolitan Atlanta Rapid Transit Authority which would reveal the financial records or travel history of any individual who is a purchaser of a TransCard or SmartCard or similar fare medium. Such financial records shall include, but not be limited to, social security number, home address, home telephone number, e-mail address, credit or debit card information, and bank account information but shall not include the user's name."

## SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam  
Y Amerson  
E Anderson

Y Crawford  
Y Cummings  
Y Davis

Y Hill, C.A  
Y Holmes  
Y Holt

Y Martin  
Y Maxwell  
Y May

Y Sailor  
Y Scheid  
Y Scott, A



Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	E Mitchell	Y Sims, F
Y Benton	Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	E Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Stanley-Turner of the 53rd was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

The following Bill of the House, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

HB 661. By Representatives Reese of the 98th, Burmeister of the 119th, Burkhalter of the 50th, Brooks of the 63rd, Cummings of the 16th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education,

so as to provide for adoption of policies and procedures by local boards of education to provide information regarding school clubs and organizations to parents and legal guardians and to provide an opportunity to withhold permission to participate; to provide for legislative intent; to provide for definitions; to provide for annual notification by local school systems to parents and legal guardians; to require annual written parental or legal guardian permission for membership or participation in a school club or organization; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

#### A BILL

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for adoption of policies and procedures by local boards of education to provide information regarding school clubs and organizations to parents and legal guardians and to provide an opportunity to withhold permission to participate; to provide for legislative intent; to provide for definitions; to provide for annual notification by local school systems to parents and legal guardians to withhold permission; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

#### SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended in Article 16, relating to students, by inserting a new part to be designated Part 5 to read as follows:

#### "Part 5

20-2-785.

(a) The General Assembly finds that increased participation and support of parents in their children's schools is critical to the achievement of students and success of the schools. Parental involvement is also one of the major tenets of the federal Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001 (P. L. 107-110), which encourages participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities. Therefore, it is the intent of the General Assembly that parents should be actively encouraged to be involved in their children's learning and school activities.

(b) As used in this Code section, the term:

(1) 'Clubs and organizations' means clubs and organizations comprised of students who wish to organize and meet for common goals, objectives, or purposes and which is directly under the sponsorship, direction, and control of the school. This term shall include any activities reasonably related to such clubs and organizations, but shall not include competitive interscholastic activities or events.

(2) 'Competitive interscholastic activity' means functions held under the auspices or sponsorship of a school that involves its students in competition between individuals or groups representing two or more schools. This term shall include cheerleading, band, and chorus.

(c) Each local board of education shall adopt policies and procedures for notifying parents or legal guardians of students regarding school clubs and organizations and for providing an opportunity for parents or legal guardians to withhold permission for a child to join or participate in clubs and organizations.

(d) An annual notification utilizing the student handbook or other appropriate method regarding school clubs and organizations shall include without limitation the name of the club or organization, mission or purpose of the club or organization, name of the club's or organization's faculty advisor, and a description of past or planned activities. Similar notification shall also be provided for clubs and organizations created or started during the school year."

## SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
N Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
N Benfield	N Drenner	N Jackson	E Mitchell	Y Sims, F
Y Benton	Y Dukes	N Jacobs	N Morgan	N Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
N Bordeaux	Y England	Y Jamieson	N Mosby	Y Smith, L
Y Borders	Y Epps	N Jenkins	Y Mosley	Smith, P

Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	N Fludd	N Jordan	N Oliver	Y Stanley-Turner
E Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	N Orrock	N Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	N Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	N Randall	Y Warren
N Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	N Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	N Henson	Y Manning	Y Royal	Y Yates
Y Cox	Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 143, nays 25.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following Resolutions of the House were read and adopted:

HR 1400. By Representatives Davis of the 109th and Lunsford of the 110th:

A RESOLUTION commending City of McDonough mayor, Richard Craig; and for other purposes.

HR 1401. By Representatives Manning of the 32nd, Tumlin of the 38th, Cooper of the 41st, Johnson of the 37th, Parsons of the 42nd and others:

A RESOLUTION remembering Natalie Tumlin and her contributions to the advocacy movement for people with disabilities; recognizing the contributions of direct support professionals in supporting people with disabilities to live, work, and participate in their communities; and for other purposes.

HR 1402. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Jill Geary for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1403. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Penny Thompson for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1404. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Angela Davis for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1405. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Susan Roberson for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1406. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Selena Robinson for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1407. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Victoria Beeler for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1408. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Amy Lueken for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1409. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Mary Kay Hayes for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1410. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending JudyAnne Terry for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1411. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Bonnie Stewart for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1412. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION commending the class of Leadership Glynn 2005; and for other purposes.

HR 1413. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Marion Cherne for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1414. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Emily (Mimi) Revels for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1415. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Sally Mitchell for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1416. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Melissa Daniell for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1417. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Tamalyn Barber for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1418. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Alice Whitney for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1419. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Pamela Parker for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1420. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Anne-Marie Jones for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1421. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Christina Carone for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1422. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Ellen Dawson for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1423. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A RESOLUTION recognizing and commending Mimi Mayberry-White for outstanding contributions to education in the State of Georgia; and for other purposes.

HR 1424. By Representatives Lucas of the 139th, Randall of the 138th, Ehrhart of the 36th, Porter of the 143rd, Benfield of the 85th and others:

A RESOLUTION honoring legendary impresario Phil Walden of Macon; and for other purposes.

HR 1425. By Representatives Wilkinson of the 52nd, Yates of the 73rd, Porter of the 143rd, Reece of the 27th, Cole of the 125th and others:

A RESOLUTION recognizing and commending the United States Organization on its 65th anniversary; and for other purposes.

HR 1426. By Representative Hembree of the 67th:

A RESOLUTION commending the Georgia Foundation for Independent Colleges, Incorporated on its 50th anniversary; and for other purposes.

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 1427. By Representatives Lucas of the 139th, Graves of the 137th, Randall of the 138th, Ray of the 136th and Freeman of the 140th:

A RESOLUTION welcoming citizens and public officials from Macon and Bibb County, recognizing the 2006 Cherry Blossom Festival, and inviting the



mayor of the City of Macon, the chairperson of the Board of Commissioners of Bibb County, the chairperson of the Keep Macon-Bibb Beautiful Commission, and representatives from the International Cherry Blossom Festival to appear before this body; and for other purposes.

HR 1428. By Representatives Smith of the 113th, Kidd of the 115th, Heard of the 114th, Martin of the 47th, Burkhalter of the 50th and others:

A RESOLUTION commending the University of Georgia Women's Swimming Team on winning the 2005 NCAA National Championship and inviting its coaches and members to appear before the House of Representatives; and for other purposes.

HR 1429. By Representatives Smith of the 113th, Kidd of the 115th, Heard of the 114th, Martin of the 47th, Burkhalter of the 50th and others:

A RESOLUTION commending the University of Georgia Football Team on winning the 2005 Southeastern conference Championship and inviting the team's coaches and players to appear before the House of Representatives; and for other purposes.

HR 1430. By Representatives Smith of the 113th, Kidd of the 115th, Heard of the 114th, Martin of the 47th, Burkhalter of the 50th and others:

A RESOLUTION commending the University of Georgia Men's Golf Team for winning the 2005 NCAA championship and inviting the coaches and players to appear before the House of Representatives; and for other purposes.

HR 1431. By Representatives Smith of the 113th, Kidd of the 115th, Heard of the 114th, Martin of the 47th, Burkhalter of the 50th and others:

A RESOLUTION commending the University of Georgia Gymnastics Team on winning the 2005 NCAA National Championship and inviting its coaches and members to appear before the House of Representatives; and for other purposes.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.